S.B.CR. MISC. BAIL APPLICATION NO.2745/2006

Date : 10.07.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. N.K. Rastogi for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in this case incident is said to have been taken place in the year 2002 and Final Report has been given in the year 2006 and after filing the Final Report, cognizance has been taken in the matter. He further submits that there is no medical evidence available on record as no medical examination was done of the prosecutrix. In last, he prays in the above circumstances, the accused applicant may be given benefit of anticipatory bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Kal Singh son of Var Singh by I.O./S.H.O. in FIR No.276/2002 P.S. Kushalgarh, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.